

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEBRASKA

JOHN DRAKE,

Petitioner,

vs.

ROB JEFFREYS,

Respondent.

**8:23CV85**

**MEMORANDUM AND ORDER**

This matter is before the Court on Petitioner's Motion for Extension of Time. [Filing No. 18](#). Petitioner seeks a 60-day extension of his December 28, 2023, deadline to file a brief in response to Respondent's Answer due to his lack of legal training and limited access to the prison's legal resources. *Id.* Upon consideration, the Court will grant Petitioner's motion for extension.

With his motion, Petitioner also included a letter addressed to the Clerk of the Court asking the Clerk to provide him a copy of his habeas petition because "[t]he Department of Corrections confiscated some property from [Petitioner], and it appears [his] pleading was included." [Filing No. 18 at 3](#). Pursuant to [28 U.S.C. § 2250](#),

If on any application for a writ of habeas corpus an order has been made permitting the petitioner to prosecute the application in forma pauperis, the clerk of any court of the United States shall furnish to the petitioner without cost certified copies of such documents or parts of the record on file in his office as may be required by order of the judge before whom the application is pending.

Petitioner is proceeding in forma pauperis here, and, upon consideration, the Court concludes Petitioner has demonstrated a need for the copy of his petition which he requests. See [Cassidy v. United States](#), 304 F. Supp. 864, 867–68 (E.D. Mo. 1969), *aff'd*, 428 F.2d 585 (8th Cir. 1970) ("The matter of granting a motion to produce copies

of documents under section 2250, and if granted, what copies are to be furnished, is within the discretion of the court. Congress did not intend that documents should be furnished without a showing of need.”). Accordingly, the Court will direct the Clerk to provide Petitioner with a copy of his habeas petition, [Filing No. 1](#).

IT IS THEREFORE ORDERED that:

1. Petitioner’s Motion for Extension of Time, [Filing No. 18](#), is granted. Petitioner shall have until **February 26, 2024**, to file his brief in response to Respondent’s answer and brief. No further extensions will be granted absent a showing of good cause.
2. Petitioner’s request for a copy of his habeas petition is granted. The Clerk of Court is directed to send to Plaintiff a copy of the petition, [Filing No. 1](#), along with this Memorandum and Order.
3. The Clerk of Court is directed to set a pro se case management deadline using the following text: **February 26, 2024**: deadline for Petitioner’s brief.

Dated this 19th day of December, 2023.

BY THE COURT:

A handwritten signature in black ink, appearing to read "J F Bataillon", with a stylized flourish at the end.

Joseph F. Bataillon  
Senior United States District Judge